

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

PAULA GARST,
Petitioner,

VS.

JOE KEFFER, Warden,
FMC-Fort Worth,¹
Respondent.

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CIVIL ACTION NO.4:10-CV-198-Y

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of Court)

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2241 of petitioner Paula Garst, along with the August 24, 2010, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until September 14 to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions and recommendation. The Court concludes that, for the reasons stated by the magistrate judge, the motion for summary judgment of Respondent on the basis of lack of exhaustion should be denied, and the petition for writ of habeas corpus should be denied.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

¹Although Petitioner named W. Elaine Chapman as respondent, because Joe Keffer replaced Chapman as Warden at FMC-Fort Worth, Keffer should "automatically" be substituted as a party under Federal Rule of Civil Procedure 25(d)(1). The clerk of Court is directed to make this change on the docket of this case.

The June 21, 2010, motion for summary judgment (doc. 5) is DENIED.

Petitioner Paula Garst's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 is DENIED.

SIGNED September 23, 2010.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE